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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,631	07/21/2003	Manuel R. Silva JR.	73434-060US	4556
56851 TYCO INTERI	7590 07/07/200 NATIONAL	EXAMINER		
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PRINCETON, NJ 08540			ART UNIT	PAPER NUMBER
			3752	
			MAIL DATE	DELIVERY MODE
			07/07/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1) ☐ Responsive to communication(s) filed on <u>06 May 2008 and 06 June 2008</u> . 2a) ☐ This action is FINAL . 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s) <u>4,6,7,11,27-51,55-57,136 and 138-160</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) <u>4,6,7,11,27-51,55-57,136,138-157 and 160</u> is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement.							
Examiner Derren W. Gorman 3752		Application No.	Applicant(s)				
Darren W. Gorman 3752 Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. 316 SEX (BIGHTHS from the mailing date of this commensation. 10%). In overall, thorous, may a rolly 56 times from 340 times 350, BIGHTHS (and the mailing date of this commensation. 10%). In overall, thorous, may a rolly 56 times from 340 times 350, BIGHTHS (and the mailing date of this communication. 1 BIO period for rolly, is specified above. The mainternation should be supplished to the communication, even if flowly flexif, they roduce any sense of part of the communication, even if flowly flexif, they roduce any sense of the communication and supplished to the supplished to be supplished to be supplied to the supplished to the communication. Supplished to the communication of the communication and supplished to the communication. Supplished to the communication and supplished to the communication and supplished to the communication. 4	Office Action Occurrence	10/622,631	SILVA ET AL.				
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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on May 6, 2008 has been entered.

Information Disclosure Statement

2. The IDS forms filed on May 6, 2008 and June 6, 2008 are hereby acknowledged. It was noted that US Patent No. 5,775,431 to Ondracek, cited on the IDS filed May 6, 2008, was previously cited on an IDS filed April 23, 2004. In an effort to prevent the aforementioned reference from being a duplicate citation on a patent issued from the instant application, the Examiner has lined through the reference on the May 6, 2008 filed IDS.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 158 and 159 are rejected under 35 U.S.C. 102(b) as being anticipated by Ondracek, USPN 5,775,431.

Ondracek (see Figures 8-11) shows a sprinkler (130) comprising: a frame (136); a trigger assembly (158) mounted to the frame; an outer structure assembly (132, 138) including an inlet and an outlet, the outlet being coupled to the frame; a closure assembly (144) disposed at the inlet of the outer structure assembly; and an inner assembly (152, 162) extending between the trigger assembly and the closure assembly, wherein the inner assembly includes a multi-legged support member (162) engaging the closure assembly and a fluid tube (152) engaging the support member, and wherein the support and the fluid tube are slidable relative to the outer structure assembly (see column 5, line 54 through column 6, line 51).

5. Claim 158 is rejected under 35 U.S.C. 102(b) as being anticipated by Sclafani, USPN 4,228,858.

Sclafani (see Figure 1) shows a sprinkler (10) comprising: a frame (48); a trigger assembly (54) mounted to the frame; an outer structure assembly (12) including an inlet and an outlet, the outlet being coupled to the frame; a closure assembly (42, 36) disposed at the inlet of the outer structure assembly; and an inner assembly (14, 38, 40) extending between the trigger assembly and the closure assembly, wherein the inner assembly includes a support (38, 40) engaging the closure assembly and a fluid tube (14) engaging the support member, and wherein the support and the fluid tube are slidable relative to the outer structure assembly (see column 5, lines 34-64).

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Allowable Subject Matter

6. Claims 4, 6, 7, 11, 27-51, 55-57, 136, 138-157 and 160 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art, alone or in combination, did not show or teach a sprinkler including the first means for translating the metallic disc annulus along the longitudinal axis between a first position and a second position and the second means for repositioning the central axis of the face skewed to the longitudinal axis within the passageway between the first position and the second position, the second means being located between the first and second position and longitudinally spaced from the support member for the metallic disc annulus when the annulus is in either one of the first and second positions, together with the other recited limitations as set forth in claim 154.

The prior art, alone or in combination, did not show or teach a sprinkler including the metallic disc annulus being arranged with the central axis of the face being skewed from the longitudinal axis within the passageway when the locator is proximate the second position, and a member that contacts the metallic disc annulus to translate the face of the metallic disc annulus to a side of the longitudinal axis when the locator moves from the first position toward the second position, together with the other recited limitations as set forth in claim 155.

The prior art, alone or in combination, did not show or teach a sprinkler including the metallic disc annulus being arranged with the central axis of the face being skewed from the longitudinal axis within the passageway when the locator is proximate the second position, and a projection extending from the inner surface of the structure, the projection having a free end

located in the passageway, the free end contacting the metallic disc annulus to translate the face of the annulus to a side of the longitudinal axis when the locator moves from the first position towards the second position, together with the other recited limitations as set forth in claim 156.

The prior art, alone or in combination, did not show or teach a sprinkler including a projection coupled to the tubular outer structure, the projection extending in the passageway toward the longitudinal axis, the projection contacting the closure assembly to translate the closure assembly to a side of the longitudinal axis when the inner tubular assembly moves from the first position towards the second position, together with the other recited limitations as set forth in claim 157.

The prior art, alone or in combination, did not show or teach a sprinkler including a sleeve disposed within the outer structure assembly and including a projection extending toward the longitudinal axis for engaging the closure assembly when the trigger assembly is actuated, together with the other recited limitations as set forth in claim 160.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Gorman whose telephone number is 571-272-4901. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on 571-272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Darren W Gorman/ Primary Examiner, Art Unit 3752

/D. W. G./ Primary Examiner, Art Unit 3752